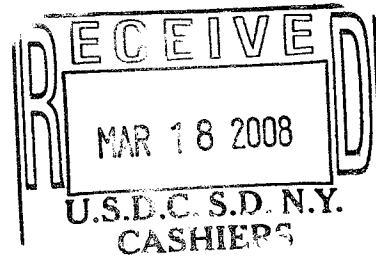


08 CV 02835

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
:
UNITED STATES OF AMERICA,
:
- v -
:
\$19,314 in UNITED STATES CURRENCY,
:
Defendant-in-rem.
-----X

VERIFIED COMPLAINT
08 Civ.

Plaintiff United States of America, by its attorney,
Michael J. Garcia, United States Attorney for the Southern
District of New York, for its complaint alleges as follows:

I. JURISDICTION AND VENUE

1. This action is brought pursuant to 21 U.S.C. § 881
by the United States of America seeking the forfeiture of \$19,314
in United States currency (the "defendant-in-rem currency");

2. This Court has jurisdiction pursuant to 28 U.S.C.
§§ 1345 and 1355. Venue is proper under 28 U.S.C. § 1355(a)
because the actions giving rise to forfeiture took place in the
Southern District of New York and the defendant-in-rem currency was
found and seized in the Southern District of New York.

3. The defendant-in-rem currency is presently in the
custody of the United States Marshals Service ("USMS") Seized Asset

Deposit Fund Account held at the Federal Reserve Bank.

II. PROBABLE CAUSE FOR FORFEITURE

4. On or about September 20, 2007, New York City Police Department ("NYPD") officers responded to a 911 call of shots fired from the vicinity of 3023 Hone Avenue, Bronx, New York.

5. Upon arrival, officers observed numerous bullet holes in the building and entered the building, as well as the neighboring buildings to ensure that there were no injured victims.

6. Upon entering 3029 Hone Avenue, the officers knocked on the door of apartment #3. Juan Rodriguez ("Rodriguez") and Jesus Benetiz ("Benetiz") allowed the officers to enter the apartment.

7. Upon entering the apartment, the officers observed a scale in a bedroom with cocaine residue on its surface and 25 live rounds.

8. The officers applied for a search warrant and recovered \$11,734 in United States currency from Benetiz's room, in the following denominations: (a) 39 \$100 bills; (b) 18 \$50 bills; (c) 330 \$20 bills; (d) 26 \$10 bills; (e) 14 \$5 bills; and (f) 4 \$1 bills. The officers also recovered \$7,580 in United States currency from Rodriguez's room, in the following denominations: (a) 24 \$100 bills; (b) 14 \$50 bills; and (c) 224 \$20 bills.

9. On or about January 15, 2008, the Drug Enforcement Administration received a Seized Asset Claim form from Juan Rodriguez, claiming that he is the owner and/or custodian of the defendant-in-rem currency.

III. CLAIM FOR FORFEITURE

10. Incorporated herein are the allegations contained in paragraphs one through nine of the Verified Complaint.

11. Pursuant to 21 U.S.C. § 881(a)(6), all moneys furnished or intended to be furnished in exchange for a controlled substance, all proceeds traceable to such exchanges, and all moneys used or intended to be used to facilitate such exchanges, in violation of Title 21 of the United States Code, are subject to seizure and forfeiture to the United States, and no property right exists in such proceeds.


12. The defendant-in-rem currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because there is probable cause to believe that it constitutes moneys intended to be furnished in exchange for a controlled substance, and/or proceeds traceable to such exchanges, and/or moneys used or intended to be used to facilitate such exchanges, in violation of Title 21 of the United States Code.

13. By reason of the above, the defendant-in-rem currency became, and is, subject to forfeiture to the United States of America, pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the defendant-in-rem currency and that all persons having an interest in the defendant-in-rem currency be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the defendant-in-rem currency to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York
March 17, 2008

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